



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO VALLE,

Defendant.

Case No.: CR 17-468

ORDER OF DETENTION

I.

A. () On motion of the Government in a case allegedly involving:

1. () a crime of violence.
2. () an offense with maximum sentence of life imprisonment or death.
3. () a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. () any felony - where defendant convicted of two or more prior offenses described above.
5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

1 B. (x) On motion by the Government/() on Court's own motion, in a case
2 allegedly involving illegal alien found in the United States following
3 deportation:

4 (x) On the further allegation by the Government of:

5 1. (x) a serious risk that the defendant will flee.

6 2. () a serious risk that the defendant will:

7 a. () obstruct or attempt to obstruct justice.

8 b. () threaten, injure or intimidate a prospective witness or
9 juror, or attempt to do so.

10 C. The Government () is/(x) is not entitled to a rebuttable presumption that no
11 condition or combination of conditions will reasonably assure the defendant's
12 appearance as required and the safety of any person or the community.
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14 II.

15 A. (x) The Court finds by a preponderance of the evidence that no condition or
16 combination of conditions will reasonably assure:

17 (x) the appearance of the defendant as required.

18 (X) and/or

19 (x) The Court finds by clear and convincing evidence that no condition or
20 combination of conditions will reasonably assure:

21 (x) the safety of any person or the community.
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23 B. () The Court finds that the defendant has not rebutted by sufficient evidence to
24 the contrary the presumption provided by statute.
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26 III.

27 The Court's findings are based on the evidence which was presented in Court, the
28 information contained in the Pretrial Services Report, and a consideration of the

1 following:

- 2 A. (X) the nature and circumstances of the offense(s) charged, including whether
3 the offense is a crime of violence, a Federal crime of terrorism, or involves
4 a minor victim or involves a controlled substance, firearm, explosive, or
5 destructive device;
- 6 B. (X) the weight of evidence against the defendant is high;
- 7 C. (X) the history and characteristics of the defendant as set forth below in section
8 V; and
- 9 D. (X) the nature and seriousness of the danger to any person or the community as
10 set forth below in section V .

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12 IV.

13 The Court also has considered all the evidence adduced at the hearing and the
14 arguments and/or statements of counsel, and the Pretrial Services
15 Report/recommendation.

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17 V.

18 The Court bases the foregoing finding(s) on the following:

- 19 A. (x) As to flight risk:

20 Defendant was previously deported on two occasions in 1989 and 2010 following drug related
21 convictions in 1998 and 2004, and has returned to the United States without permission before being
22 found and charged with the instant offense. Thus, Defendant has not demonstrated a willingness to abide
23 by court orders and the Court is not convinced that the defendant will abide by its order to appear for
24 future court appearances if released on bail. Moreover the prospective penalty that defendant faces, if
25 convicted of the charged offense, supports a finding that release on bail will pose a flight risk because
26 defendant will likely be deported after serving the sentence imposed, and the Court finds that, in
27 conjunction with the other factors noted above, this will provide an incentive to flee the jurisdiction.

1 B. (x) As to danger:

2 Defendant's criminal history includes convictions for felony drug related offenses.

3 The Court finds that release on bail would pose a danger to others and to the community.

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2 **VI.**

- 3 A. () The Court finds that a serious risk exists the defendant will:
4 1. () obstruct or attempt to obstruct justice.
5 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
6 B. The Court bases the foregoing finding(s) on the following:

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9 _____

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11 **VII.**

- 12 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
13 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
14 Attorney General for confinement in a corrections facility separate, to the extent
15 practicable, from persons awaiting or serving sentences or being held in custody
16 pending appeal.
17 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
18 for private consultation with counsel.
19 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
20 request of any attorney for the Government, the person in charge of the corrections
21 facility in which defendant is confined deliver the defendant to a United States
22 marshal for the purpose of an appearance in connection with a court proceeding.

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25 DATED: August 7, 2017

/s/
ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE